

DEVELOPMENT REVIEW COMMITTEE

Tuesday, May 30, 2017

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, May 30, 2017**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Ilze Aguila

DRC MEMBERS

Mayte Santamaria, Senior Director of Planning & Environmental Resources	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Emily Schemper, Comprehensive Planning Manager	Absent
Kevin Bond, Planning & Development Review Manager	Present

STAFF MEMBERS

Steve Williams, Assistant County Attorney	Absent
Peter Morris, Assistant County Attorney	Present
Devin Rains, Principal Planner	Absent
Ilze Aguila, Sr. Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, February 21, 2017, and Tuesday, April 25, 2017.

MEETING

1. 1211 Overseas Highway, Big Coppitt Key, former Caribbean Village property, mile marker 10.8 gulfside (Sender Site) and 28500 & 28540 Overseas Highway, Little Torch Key, Dolphin Marina & Cottages, mile marker 28.5 oceanside (Receiver Site): A public meeting concerning a request for a Minor Conditional Use Permit. The requested approval is required for the transfer of 31 transient Transferrable ROGO Exemptions (TREs) from the Sender Site to the Receiver Site. The Sender Site is described as a parcel of land in a portion of Government Lot 1, Section 22, Township 67 South, Range 26 East, Big Coppitt Key, Monroe County, Florida, having real estate numbers 00121050-000000, 00121060-000000 and 00121070-000000. The receiver site is described as a parcel of land in part of Government Lot 6, Section 28, Township 66 South, Range 29 East], Little Torch Key, Monroe County, Florida, having real estate numbers 00113570-000000, 00113570-000100, 00113570-000200, 00113590-000000 and 00113620-000000.

Mr. Kevin Bond presented the staff report, first summarizing the item. The proposed transfer is for 31 transient units from the sender site, previously known as Caribbean Village on Big Coppitt, to the Dolphin Marina and Cottages property on Little Torch Key. As background, the sender site is approximately 1.6 acres in size and the receiver site is just over four acres of upland. Both sites are zoned Suburban Commercial, located in the Mixed Use Commercial FLUM and are Tier III infill areas. The sender site is currently vacant and the receiver site currently has the marina transient uses with a couple of permanent residential units. Back in 2007 the sender site was issued a letter of development rights termination recognizing the lawful existence of 31 transient units and 6 permanent residential units. Presently, those units are all demolished. In February of 2015, a minor conditional use permit was approved for just the sender site, with no receiver site approved at that time. Therefore a minor conditional use permit would be required when a receiver site was obtained. Also back in 2007 a different letter of development rights determination was issued for the receiver site, indicating there were 2 permanent residential units, 10 transient units and 5,551 square feet of non-residential floor area lawfully established. In 2015, a Map Amendment Application was submitted for a zoning change from Suburban Commercial to Mixed Use. In May of 2016, the BOCC continued the item to give the applicant time to address concerns and apply for a development agreement. The development agreement application was received in January of 2017 where staff found the application to be incomplete and it is still on hold today. In April of 2017, staff received a pre-application conference request for the transfer being reviewed today. There was no letter of understanding with that. That pre-application conference was held on April 7, 2017.

The review of today's application is only a request to approve the transfer. If approved, this would not permit any construction as other approvals are required to actually build the units on the receiver site. Currently, the receiver site is utilizing 42 percent of its maximum density allowed in the SC District. If approved, the 31-unit transfer would result in 41 transient units on the receiver site, at which time the receiver site would be utilizing 94 percent of its maximum density allowed. This is based on the following assumptions: One, that the two existing market-rate units would be converted to affordable, affecting the density calculations. If they are not made affordable, the development potential for the hotel units would be reduced. A second factor affecting the maximum number of units allowed to be built on the property is the amount of non-residential floor area, as the calculation for commercial versus residential floor area affects each other. Additionally, there are still other approvals that would be required to build the units on the receiver site.

Staff recommendation is for approval with two conditions. Condition one, this minor conditional use approval provides no additional vesting of any development rights. Condition two, this minor conditional use approval does not in any way bind or obligate Monroe County to approve any future development applications, including but not limited to development agreements, conditional use permits and building permits. Additionally, one written letter was received from a neighbor.

Ms. Santamaria asked for further questions or comments from staff. There were none. Ms. Santamaria then asked if the applicant would like to speak.

Mr. Jim Hendrick, who was present with Ms. Donna Bosold for the applicant, stated that he had nothing further to say that was not in the application.

Ms. Santamaria then asked for public comment.

Ms. Debra Pittis stated that she believed the neighborhood concern to be the increase in the volume of traffic that this project would generate, adding that it is already nearly impossible to get out of the neighborhood during the season. Other concerns are the increase in noise and lights generated by this increase in density. She had purchased in this neighborhood because it was a quiet and nice neighborhood without this amount of density. Ms. Santamaria emphasized that this application was only for the transfer of units and did not approve the actual construction of units.

Ms. Celia Armstrong asked if affordable housing would be built on the receiver site. Ms. Santamaria explained that presently, there are two units on site that are not affordable housing. If the applicant transfers the full 31 units of transient, they would need to deed restrict those two units as affordable so that the density calculation would work. Ms. Armstrong added that Dolphin Marina used to go through an agency where their staff would rent or get docked pay to stay in workforce housing as part of their job. She does not believe this would be helpful to the local community as these employees would be coming in from other areas rather than used for locals that need affordable housing. Mr. Bond explained that the only thing the affordable housing designation would do is deed restrict the two existing units and that the use for the housing would be up to the property owner. Ms. Santamaria further clarified that it would be deed restricted for 99 years, occupants would need to meet a certain income category and there would be rent limits on what could be charged. Mr. Hendrick commented that the current intention of the property owner is to provide employee housing, as opposed to affordable housing to the general public and that the Code provides special provision for employee housing. However, this is not part of today's approval. Ms. Armstrong asked if both commercial and residential ROGOs could be combined into business ROGOs, admitting she did not fully understand ROGO. Ms. Santamaria explained that ROGOs are for residential and NROGO is for non-residential square footage. The affordable ROGOs do not count against the commercial, but do count against other residential or transient development. And, yes, they can be used on the same property, depending on the allowed land uses.

Mr. Anthony Farretta asked about the razed properties on the sender site and how that property maintained status. Mr. Bond responded that upon receiving the letter of development rights determination from the County, those residential development rights are protected by the Comp Plan. So even though they have demolished the buildings, they have recognized units that can be redeveloped on site without going through ROGO or transferred to another property as proposed here. Ms. Santamaria added that past permitting history would be reviewed to document that something had lawfully been there. Mr. Farretta asked if that was known to be the case. Ms. Santamaria responded that this was the case and had happened in 2007.

Mr. Jim Muir asked what could be done with the Caribbean Village after the 31 ROGO permits were pulled from the sender site. Ms. Santamaria responded that the site has its own zoning of Suburban Commercial which allows both residential and non-residential uses and that 6

remaining residential ROGOs are associated with that property. Mr. Muir asked if that meant 6 permanent homes could be built there. Ms. Santamaria indicated that was potentially possible.

Ms. Beatrice Duke, a resident near the receiver site since 1975, stated she would not like to see another high-density situation as is across the highway, that it is presently impossible to get in and out of the subdivision even in the summer. She feels this needs to be looked at as the traffic is hideous. She also owns property at Oceanside Marina and knows what occurred there, and does not want another Oceanside Marina happening at her subdivision.

Mr. Bill Hunter of Sugarloaf Key asked if this opportunity could be taken to put a rumor to bed as he has heard several people in the community allude to the fact that some of these ROGOs that are being transferred came from the houseboats that were on the property. He tried to get the answer from the letter of determination but it wasn't clear to him how the map was done. He asked if it is correct that a live-aboard vessel does not have a ROGO and would not be able to transfer a ROGO. Mr. Bond responded that he had looked into that and though the houseboats are mentioned throughout the letter of determination, staff could not determine that they were lawfully allowed to be hotel rooms and the 31 units do not include the houseboats. Ms. Santamaria added that presently, the Comp Plan and Code have been changed to make it very specific that a vessel or a slip or anything else is not equivalent to a unit to prevent this being discussed in the future.

Ms. Deb Curlee of Cudjoe Key asked if after excluding the two large houseboats, there were 31 rooms at Caribbean Village. Ms. Santamaria responded that hotels are considered rooms or hotel rooms consisting of one bedroom and one bath. Ms. Curlee then asked if there were 31 of those, excluding the large floating structures. Ms. Santamaria confirmed that to be correct.

Ms. Santamaria asked for further public comment. There was no further public comment.

Ms. Santamaria then explained that this particular Code Section allowing transfers is very specific on the criteria in terms of Tier designations, allowed use and so forth, so this particular application complies with all of the Codes necessary for the transfer of units. Ms. Santamaria reiterated that this approval does not authorize development which must go through future stages, likely a conditional use application, which would take into account traffic, compatibility, density and so forth. So the next stage is where those items mentioned would be reviewed.

Mr. Farretta asked if compatibility was a matter of law or opinion. Ms. Santamaria responded that it is more subjective in terms of the other criteria, looking at what is allowed by the uses, what are surrounding uses, and what conditions can be placed on it to make those two uses be compatible with each other.

Mr. Hendrick commented that assuming this minor conditional use is issued, and he sees no reason that it would not, the applicant's next step would be to withdraw the pending rezoning and development agreement applications. The conditional use process allows the County to do some of the things that the development agreement would also do. He would not want to give the impression that everything that was offered in the draft development agreement would be forthcoming, but he would anticipate that everything that was in there would be a subject for

discussion and there will be meetings sponsored by the staff for the community that the applicant will attend. He has been given direction from the property owner to listen attentively to the neighbors' concerns and he expects they will be addressed during the conditional use process, adding that there has already been an offer of some trees for landscaping the property.

Ms. Santamaria again asked for further public comment. Mr. Muir asked again if these ROGOS were for 31 hotel rooms. Ms. Santamaria indicated that was correct.

Ms. Curlee again asked if that was one bedroom, one bath, and if that was a hotel room. Ms. Santamaria indicated that was correct.

Ms. Armstrong asked if the units could have the adjoining doors like a hotel room. Ms. Santamaria clarified if they were all counted as one bedroom and one bath, even if they were adjoining and it was two bedrooms and two baths, it would then count as two ROGOS.

Mr. Hendrick added, addressing Ms. Duke's concern, the reason this was being done today is because they are not going to have another Oceanside Marina. They were tired of getting beaten up about the Oceanside Marina and there will be no lockouts. This will be what would happen if they did not proceed with the earlier proposal, which is to come back and build what the zoning permits.

Ms. Santamaria then stated that if there was no further public comment, the recommendation for this transfer was for approval and the meeting was adjourned.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:25 p.m.